

**RESOLUTION DECLARING THAT THE PUBLIC GOOD
REQUIRES THAT CERTAIN TERRITORY SHALL BE
BROUGHT WITHIN THE LIMITS OF THE CITY OF
MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE
11, CHAPTER 42, ARTICLE 3, OF THE CODE OF ALABAMA**

(DOMINION/WELLINGTON AREA)

2008-2097

WHEREAS, § 11-42-41 of the *Code of Alabama* provides that a city council may pass a resolution to the effect that the public health or public good requires that certain territory shall be brought within the limits of a city; and,

WHEREAS, § 11-42-43 of the *Code of Alabama* provides that upon passage of such a resolution by a council and certification by a mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the city; and,

WHEREAS, § 11-42-47 of the *Code of Alabama* provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the city for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic

well-being of these residents as well as all persons residing within the metropolitan Mobile area.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MOBILE, THAT:

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

DOMINION/WELLINGTON

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF AUTUMN LEAF ESTATES RECORDED IN MAP BOOK 70 PAGE 61 IN THE OFFICE OF JUDGE OF PROBATE, MOBILE COUNTY ALABAMA AND THE WEST RIGHT OF WAY LINE OF SNOW ROAD; RUN THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER OF MCCAWLEY SUBDIVISION RECORDED IN MAP BOOK 111 PAGE 59 OF SAID PROBATE COURT; RUN THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID MCCAWLEY SUBDIVISION TO THE SOUTHWEST CORNER OF LOT 2 MCCAWLEY SUBDIVISION AND THE SOUTH LINE OF SECTION 34 T4S R3W; RUN THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID SECTION 34 TO THE SOUTHWEST CORNER OF SAID SECTION; RUN THENCE NORTHWARDLY ALONG THE WEST LINE OF SECTION 34 AND SECTION 27 T4S R3W TO THE NORTHEAST CORNER OF TURNBERRY SUBDIVISION RECORDED IN MAP BOOK 76 PAGE 68 OF SAID PROBATE COURT; RUN THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID TURNBERRY SUBDIVISION TO THE NORTHWEST CORNER OF SAID SUBDIVISION; RUN THENCE NORTHWARDLY ALONG THE WEST LINE OF THE DOMINION SECOND UNIT RECORDED IN MAP BOOK 81 PAGE 95 OF SAID PROBATE COURT TO THE NORTHWEST CORNER OF SAID SUBDIVISION; RUN THENCE EASTWARDLY ALONG THE NORTH LINE OF SAID DOMINION SECOND UNIT 440 FEET MORE OR LESS TO A POINT; RUN THENCE NORTHWARDLY A DISTANCE OF 615 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; RUN THENCE NORTHEASTWARDLY ALONG THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD

A DISTANCE OF 225 FEET MORE OR LESS TO A POINT; RUN THENCE NORTHWESTWARDLY TO THE SOUTHWEST CORNER OF LOT 3 REVISED AIRPORT-SNOW SHOPPING CENTER RECORDED IN MAP BOOK 75 PAGE 22 IN SAID PROBATE COURT; THENCE CONTINUE NORTHWESTWARDLY TO THE NORTHWEST CORNER OF SAID LOT 3; RUN THENCE NORTHEASTWARDLY ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 70 FEET MORE OR LESS TO A POINT; RUN THENCE NORTHWESTWARDLY ALONG THE EAST LINE OF LOT 4 AND LOT 5 OF SAID REVISED AIRPORT-SNOW SHOPPING CENTER TO THE NORTHWEST CORNER OF LOT 2 OF SAID SUBDIVISION; RUN THENCE SOUTHWESTWARDLY ALONG THE SOUTH LINE OF LOT 2 BOB'S SUBDIVISION RECORDED IN MAP BOOK 71 PAGE 37 IN SAID PROBATE COURT TO THE SOUTHWEST CORNER OF SAID LOT 2; RUN THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF LOT 1 RESUB OF LOT 1 OF BOBS SUBDIVISION RECORDED IN MAP BOOK 97 PAGE 26 IN SAID PROBATE COURT; RUN THENCE WESTWARDLY ALONG THE SOUTH LINE OF Z AND F SUBDIVISION RECORDED IN MAP BOOK 100 PAGE 36 IN SAID PROBATE COURT TO THE WEST LINE OF SAID SUBDIVISION; RUN THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID SUBDIVISION TO THE SOUTHWEST CORNER OF BRIARCLIFF SUBDIVISION RECORDED IN MAP BOOK 81 PAGE 43 IN SAID PROBATE COURT; RUN THENCE NORTHEASTWARDLY ALONG THE SOUTHWARDLY LINE OF SAID BRIARCLIFF TO THE WEST RIGHT OF WAY LINE OF SNOW ROAD; RUN THENCE EASTWARDLY A DISTANCE OF 100 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF SNOW ROAD; RUN THENCE NORTHWARDLY ALONG THE EAST RIGHT OF WAY LINE OF SNOW ROAD TO THE SOUTHWEST CORNER OF FOUR OAKS SUBDIVISION RECORDED IN MAP BOOK 44 PAGE 114 IN SAID PROBATE COURT; RUN THENCE EASTWARDLY TO THE SE COR OF NE 1/4 OF SW 1/4 OF SEC 22 T4S R3W SAID POINT ALSO LYING ON THE PRESENT CORPORATE LIMITS OF THE CITY OF MOBILE; RUN THENCE SOUTHWARDLY THEN EASTWARDLY ALONG THE PRESENT CITY LIMITS OF THE CITY OF MOBILE TO A POINT ON THE WEST LINE OF THE E 1/2 OF SW 1/4 OF SE 1/4 OF SEC 22 T4S R3W & SE 1/4 OF SE 1/4 OF SEC 22 T4S R2W; RUN THENCE SOUTHWARDLY ALONG SAID WEST LINE TO THE SOUTH LINE OF SAID

SECTION 22; RUN THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID 22 TO THE NORTH WEST CORNER OF LOT 1 TRAILWOOD UNIT 3 RECORDED IN MAP BOOK 36 PAGE 49; RUN THENCE SOUTHEASTWARDLY ALONG THE WESTWARDLY LINE OF SAID TRAILWOOD TO THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; RUN THENCE NORTHEASTWARDLY ALONG THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD TO THE NORTHWEST CORNER OF COLONIAL HILLS UNIT ONE MAP BOOK 67 PAGE 47 IN SAID PROBATE COURT; RUN THENCE SOUTHEASTWARDLY ALONG THE WEST LINE OF SAID COLONIAL HILLS TO THE NORTHEAST CORNER OF COLONIAL HILLS UNIT 5 MAP BOOK 104 PAGE 47 IN SAID PROBATE COURT; RUN THENCE SOUTHWESTWARDLY ALONG THE NORTH LINE OF SAID UNIT 5 TO THE NORTHWEST CORNER OF SAID UNIT 5; RUN THENCE SOUTHEASTWARDLY ALONG SAID UNIT 5 TO THE SOUTHWEST CORNER OF BAKERFIELD SUBDIVISION UNIT 3 MAP BOOK 86 PAGE 95 SAID POINT ALSO LYING ALONG THE NORTH LINE OF SECTION 34 T4S R3W; RUN THENCE EASTWARDLY ALONG THE NORTH LINE OF SECTION 34 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; RUN THENCE SOUTHWARDLY ALONG THE EAST LINE OF PROPERTY CONVEYED ACCORDING TO REAL PROPERTY BOOK 4063 PAGE 709 A DISTANCE OF 1320 FEET MORE OR LESS TO A POINT; RUN THENCE EASTWARDLY TO A POINT ON THE WEST LINE OF SAID SECTION 34, SAID POINT ALSO BEING THE NORTHEAST CORNER OF HOLLEY BRANCH MAP BOOK 113 PAGE 54; RUN THENCE SOUTH ALONG SAID SECTION 34 TO THE NORTHEAST CORNER OF LOT 33 OF SAID HOLLEY BRANCH; RUN THENCE WESTWARDLY ALONG SAID LOT 33 AND ALONG LOT 32 AND CONTINUING WESTWARD TO THE NORTH WEST CORNER OF THE COMMON AREA AS SHOWN ON SAID HOLLEY BRANCH TO THE POINT OF INTERSECTION ALONG NORTHEAST LINE LOT 27; RUN THENCE NORTHWESTWARDLY TO THE NORTHERNMOST CORNER OF SAID LOT 27; RUN THENCE SOUTHWESTWARDLY ALONG SAID LOT TO THE WESTERN MOST CORNER OF LOT 27; RUN THENCE SOUTHEASTWARDLY ALONG LOT 27, 24 AND 23 TO THE NORTHERNMOST CORNER OF LOT 21 OF SAID HOLLEY BRANCH; RUN THENCE SOUTHWESTWARDLY ALONG LOT 21, 20, 19, 18, 17 OF SAID HOLLEY BRANCH AND THE

EXTENSION THEREOF TO THE SOUTHWEST RIGHT OF WAY OF SNOW ROAD; RUN THENCE SOUTHEASTWARDLY ALONG SOUTHWEST RIGHT OF SNOW ROAD TO THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution to the Judge of Probate for Mobile County pursuant to and in accordance with § 11-42-42 of the Code of Alabama;
3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period of ten (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the *Code of Alabama*; except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the

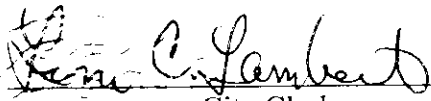
Code of Alabama.

4. Pursuant to § 11-42-83 of the *Code of Alabama*, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Article 3, Chapter 42, Title 7 of the *Code of Alabama*, the then existing City gross receipts business license tax shall be

annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the *Code of Alabama*.

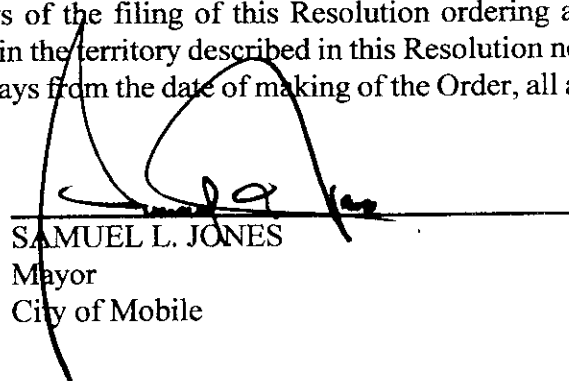
Adopted:



City Clerk

CERTIFICATION OF RESOLUTION BY MAYOR

I, Samuel L. Jones, Mayor of the City of Mobile, do hereby certify that this is a true and correct copy of the Resolution adopted by the City Council of the City of Mobile at its regular meeting of August 26, 2008, and, as Mayor, I do hereby request that the Judge of Probate of Mobile County enter an Order within ten (10) days of the filing of this Resolution ordering an election to be held by the qualified electors residing in the territory described in this Resolution not less than twenty (20) days nor more than forty (40) days from the date of making of the Order, all as provided by § 11-42-43 of the *Code of Alabama*.



SAMUEL L. JONES
Mayor
City of Mobile

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FILED IN COURT

AUG 26 2008

Probate Court of Mobile County, Al
Joe McEachern, Jr., Clerk of Court

FILED IN PROBATE COURT

Probate Court of Mobile County, Al
Joe McEachern, Jr., Clerk of Court